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To the Honorable:

The Knights, Cittizens, and Bur-
gessees, in Parliament,
assembled.

*The humble Petition of George Carew, esquire Administrator
of the goods and Chattles of Sr. William Courten
Knight deceased, (with his will annexed)
John White, and James Boeve, of
London Marchants, on the behalfe
of themselves, and diverse,
others, his Majesties good
subjects of England.*

Sheweth:



That the due Administrations of Justice,
and Equity, have been delayed, and de-
nied, in the ordinary Courts of Judica-
ture in Holland, and Zeland, upon civill
actions at Law, for these twenty six years,
last past, to the great Damages and oppression of your
Petitioners, and many Orphans, and Widdows,
clayming under them. As by the severall cases, in the
36. Articles, hereunto annexed appears.

(1)

That

(2)

That the Lives, Liberties, and Estates, of other English-men abroad, are lyable to the like Prejudice, and Dangers, if it be not made a nationall concerne, to protect the subjects of England, in forraigne parts, and particularly to require Satisfaction, and reparations, in the respective cases of your Petitioners, according to the Circumstances of their Greviances, mentioned in the sayd Articles following.

And forasmuch, as there is noe other remedy left for your Petitioners releife, but by complaynt in Parliament, after soe many Intercessions of his Majesty, and his Ministers at the Hague, to the States Generall in vaine. The People of Holland, and Zeland taking advantage of their popular Interest in England, to expose the Honour, and Reputation of the King, and Kingdome, to scorne, and contempt, by their open, and manifest denials of Common Iustice, to English-men.

YOUR Petitioners doe therefore most humbly pray, that your Honours, would take their Complaints into your most serious considerations, to the end, that some effectuall means, may be used, upon your Recommendation to his Majestie, that right may be done according to the merrits of their respective causes.

And that hereafter a summary way may be had, in the united Netherlands for Iustice, as is used to strangers in England by neutrall, and unconcerned Persons.

And your Petitioners shall
ever pray, &c.

April 15th, 1675;

(2)

Whereas

Whereas the preservation of all mens rights, and property, consists in the Execution of Law, and Due administration of Iustice; which on the contrary, being obstructed or denied. All civell Society and Commerce must necessarily determine and be destroyed. And least any thing in these 5. cases, might be drawne into consequence, or made Presidents to the disadvantage of others, for want of appealing to the Parliament for redress. The matters of fact are briefly and faithfully recollected, out of the originall writings, papers, and records, for publique View.

1. **T**hat *Sr. William Courten* of London, *Sr. Peter Courten* of Middleburgh in Zeland, his Brother, and *John Moncy* of London Marchant, their Brother in Law, traded together with a joynt stock of fifty thousand pounds sterling, to severall parts of the World, for the space of 25. years.

2. That a moyety or halfe parte of the Stock belonged to *Sr. William Courten*, and to Each of the other, a fourth part. The generall Books of Trade being kept by *Sr. Peter Courten*, who died at Middleburgh, in the yeare 1630. before the accounts of the Company were settled, and left *Peter Boudaen* of Middleburgh Marchant, his Nephew, his sole Executor.

3. That *John Moncy*, at the Request of *Sr. William Courten*, in the yeare 1631. went from London to Middleburgh, to settle the accounts of Trade, which had not been Liquidated in 14. yeares before, wherein rested a very considerable part of *Sr. William Courtens* Estate, both in money and goods.

4. That before the accounts were perfectly finished, *John Moncy* fell sick of a Lethergie, wherof he died on the 17.th of October 1631. at the House of *Peter Boudaen*, who framed *Mr. Moncys* will, when he

was not *Compos Mentis*, wherein the sayd *Peter Boudaen*, nominated himselfe Executor, and incerted a provifoe, in the will, *not to be lyable to discover Mr. Moncys Estate to any Person in the World.*

5. That afterwards, *Sr. William Courten*, entred upon an other Commerce, for trading Voyages to the East-Indies, but could not during his life, obtaine any ballance of the accounts, of his former Trade, from *Peter Boudaen*, or any moneys out of his hands, and left *William Courten* his sonn and heyre, his sole executor, and died in the yeare 1636.

6. That *William Courten* the Executor, having sustained severall Losses, by the Hollanders, and others in *Asia* and *America*, contracted many great debts, and assigned his Shippes and Stock in the Indies, to *Sr. Edward Lisleton*, and *Sr. Paul Pyndar*. Towards payment of his debts, & then absented himselfe, upon news that the East-India Company of the Netherlands, had violently seized and taken into their possession his two Shippes *Bona Esperanza* and *Henery Bona Adventura* of London, with their freights and lading, for trading with the Portugalls, that were then in Comon Ammity, both with England, and Holland.

7. That the sayd *William Courten* transported himselfe for *Italy* in the yeare 1648. where he died intestate, leaving his Fathers Estate unadministred, and the sayd accounts unsetled, through the iniquity of the times, whereof *Mr. Boudaen* tooke advantage.

8. That *Iohn VVhite*, and *James Boeve*, having married *Susanna*, and *Hester de VVyer*, the daughters of the only sister of *Iohn Moncy*, (who had promised to make them his heires, having noe children of his owne) caused the sayd *Peter Boudaen*, to be cited into the Prerogative Court of England, in the yeare 1651. to prove *Mr. Moncys* will by wittneses, which he had sent to be exhibited there, in Common forme, and consequently drawne 30000 p. sterling of *Mr. Moncys* Estate out of London.

9. That *Peter Boudaen* refused to be conformable, to the sayd citation, pretending he was not subject to any forraigne Iudicature, although the proper Court to take Cognizance of the will, where it was exhibited. Then after severall other Admonitions, and Letters Requisitory

from the judge. Letters of Administration of the goods, and chattelles of *John Moncy*, was granted to *Hester White*, the surviving Neice of *John Moncy*.

10. That *Hester White* in the year 1652. summoned the sayd *Peter Boudaen*, before the Magistrates of Middelburgh (to have an account of *John Moncy's* Estate as dying intestate) who excepted against her quality, as Administratrix, pretending that there was a will, although the probate was denied. Nevertheless the sayd Magistrates in regard *Mr. Boudaen*, was an Elder of the English Congregation, in Middelburgh, they declared that *Mrs. White* was not receivable in her quality as yet. Which was a manifest deniall of Justice in Zeland, and a wronge to the Iudicature of England.

11. That *Mrs. White* appealed from the Sentence of Middelburgh, to the supream Court of Iudicature at the Hague, where after 4. years attendance and great expence, a Sentence was there pronounced, on the 19 of May. 1657. That Provided *Peter Boudaen* obliged himselfe to satisfy all Pretenders, Creditors, and others, that might pretend, to the Estate of *John Moncy*, that then the Administratrix, was not greived, by the Sentence of Middelburgh; but in case of refusal, they condemned him, to account with *Mrs. White*, for *Mr. John Moncy's* Estate, reserving such right, as any person might pretend to the validity or invalidity of *Mr. Moncy's* will. Which was nihil ad rem. but very impertinent, and a possible deniall of Justice, in the supream Court of Iudicature of Holland, to sett up a false Executor in Zeland, against a legall Administratrix in England.

12. That after *Peter Boudaen* had obliged himselfe, by a notoriall Act, in pursuance of the Sentence of the High Court. *Mr. Boeve* summoned him before the Magistrates of Middelburgh, for the payment of a Legacy of 2000. p. (with interest and damages,) given to his Wife by *Mr. John Moncy*, where he obtained a Sentence on the 11. th of February 1660. that *Mr. Peter Boudaen* should pay the sayd Legacy with damages, provided the Interest should not exceed the Capitall.

13. That *Peter Boudaen* appealed from the sayd Sentence, to the supream Court of Iudicature at the Hague, where the suite hath depended these 15 years, contrary to all reason and equity, upon Counter-

charges, and vexatious pretences of *Boudaen*, to the damage of *Mr. Boeve*, ten thousand pound sterling, besides the loss of his employment, in trade and Marchandize, whereby he hath impoverished himselfe, and his Family.

14. That Letters of Administration, of the goods and chattells of *St. William Courten* with his will annexed being granted to the sayd *George Carew* (after the death of *William Courten* the Executor) he gave a generall Procuration in the yeare 1662. unto *James Boeve* who summoned the sayd *Peter Boudaen* before the Magistrates of *Midleburgh* in the same yeare, and prayed by his bill that *Peter Boudaen*, should be enjoyned to account with *Mr. Carew* concerning the Partnership in his quality as Administratour of *St. William Courten*, or be ordered to deposite the generall Books of Trade, and other papers into the Secretary Office of the sayd City, or any neutrall place, that an account might be settled. at a joynt charge, in the presence of *Mr. Boeve*, who was a servant to *Mr. John Moncy*, and knew how to settle the same.

15. That *Peter Boudaen*, being a Director of the East-India Company, and one of the Common Councill of the City, was admitted by the Magistrates to demand caution of *Mr. Boeve* for Costs, before they would proceed, which was neuer demanded in any such cases before. And after *Mr. Boeve* had given sufficient caution accordingly, the Magistrates tooke Exemption against it, and would have other caution, purposely to delay Justice, which continued soe, during the Dutch wars, untill the death of *Peter Boudaen*.

16. That *St. Jacob Catts* late Pensionaris of Holland, became bound on the 29. of July 1631. at London to *St. William Courten* for 3000 p. sterling which money continued at interest, after the death of *St. William Courten*, then his Sonn and Executor delivered the sayd bond, with a Letter of Attorney to *Jacob Pergens* of Amsterdam, who putt the same in suite against *Catts* at the Hague, in the Provinciaall Court, who removed it to the supreme Court, where *Mr. Carew* intervned by his Proceess in the yeare 1662. for the sayd debt and damages as administrator of *St. William Courten*, according to the Law of England, the Executor being dead, during the prosecution of *Pergens*.

17. That the Advocates of both sydes agreed the case by consent, and transmitted it to England, for the judges opinion, who subscribed their judgment, in the presence of *Major Wright*, a publique Notary to this Effect; **That by the Law of England, the money due upon the bond from *Sr. Jacob Catts*, was vested in *Mr. Carew* the administrator, after the death of *William Courten* the Executor, who could not assigne a bond, by the Law of England, being a thing in action.**

18. That Advocate *Sass*, and the rest of *Mr. Carew's* Councill at the Hague, delivered an authentique Coppy of the judges Opinion, in Latine, to the Lords of the supreame Court of Iudicature, and pleaded further: That by the instructions of their owne Court, a stranger being to be admitted, at his first instance, they were possitively obliged to give Sentence, according to the Laws of England, where the money was lent and the bond given. The Parliaments in France, and all Nations, governing themselves, in cases of Contracts, according to the Law of the place, where they are made.

19. That notwithstanding all the Arguments, and Results of the Iudges, and Lawyers, *Iohn de Witt* being a Kinsman of *Pergens* his wife, he prevailed with the Lords of the supreame Court of Iudicature, to give Sentence in the year 1663. that the Debt, Interest, and Damages, should be payd to *Pergens* he giving caution, to save hermelefs, and indempnified, the sayd *Catts*, and his Heyres against *Carew*, **which was a vpolation of the Law, to the prejudice of *Mr. Carew*, and other Creditors of *Sr. William Courten*, the sum of 5000 p. and upwards, that ought to be refunded, upon a nationall demand.**

20. That upon the Addresses, and earnest Solicitations of the Creditors, and Adventurers with *Sr. William Courten*, The King and Councill insisted upon Satisfaction, and Reparation, from the Hollanders in the year 1662. for the two Shippes *Bona Esperanza*, and *Henry Bona Adventura* of London, his Majesty signifieng by Letters, under his signe manuell, to the States Generall. That he was obliged in iustice and honour, to see it effected accordingly.

21. **That upon Consideration, Polleron should be restored, and**
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satisfaction given for the two Shippes *Bona E'peranza*, and *Henry Bona Adventura*. All other damages, and injuries done in the East-Indies, to his Majestys subjects before his Restauration, were to be mortified and extinguished, by the 15th Article of the Treaty concluded at Whitehall 4th of September 1662.

22. That the Kings Commissioners; The Duke of Albemarle, Earle of Manchester, Lord Holles, Lord Berkeley, Sr. George Carteret, Sr. Edward Nicholas, and Sr. William Morice; And the Dutch Embassadors Mr. Symon van Hoorn, and Mr. Michiel van Gogh, agreed in particular Termes before the Conclusion of that Treaty (that the damages concerning those two Shippes, should be adjusted at the Hague, and satisfaction given there, where the Controversie depended between Sr. George Downing, and the deputies of the States Generall) As appears by certificate under their hands and seales.

23. That in pursuance of the sayd Treaty, and Agreement, two years time was after wards spent at the Hague, and Amsterdam, in Applications, to the States Generall, and the East-India Company, for satisfaction and reparation, of the debt and damages (which amounted unto 150000 p. sterling and upwards) that could not be acquired, unless a fifth parte might be accepted for the whole, including 85000. gilders to be refunded by Mr. *Pergens*, or his caution towards it.

24. That the Creditors, Adventurers, and Partners with *Sr. VVilliam Courten*, finding themselves agreived, and the Kings honour to be publicquely exposed, by the Hollanders, they addressed themselves, with the State of their cases, unto the House of Commons, in the yeare 1664. who voted to assist his Majestie, with their lives and fortunes, in recovering Satisfaction, and Reparation, for the sayd Losses, and Damages, sustained by the Hollanders and Zelanders.

25. That upon fresh applications, made to his Majesty, by *Francis Late, Earle of Shrewsbury*, *VVilliam Loyd*, *Charles VVhitaker*, Esquires and severall other Creditors of *Courten*, *Lisleton*, and *Pindar*, with the surviving partners of *Sr. VVilliam Courten*, after severall References to the Judges, and Kings Councill at Law, who reported that it consisted with Justice, and the Laws of Nations, for his Majesty in that singular

lar case of the shippes attended with so many Circumstances, to grant letters of Repriſall, against the States Generall and their subjects to continue in force, in all times of peace and warr, untill the sum of 151612. p. sterling with all incident costs and charges should be repriſed. Which was granted unto Sr. Edmond Turnor, and George Carew, their Executors, Administrators, and assignes accordingly, as by the letters Patents, under the great Seale of England, dated the 19.th of May, 1665. inrolled in Chancery, may appeare.

26. That the Hollanders neuertheless, pretend to be releas'd and discharged, of the sayd debt by the Treaty at Breda, concluded in the yeare 1667. without any paymant, or compensation made, to the interested, and would seeme to charge the same upon the Crowne, if any thing should be taken, from them, by force of the sayd patent.

27. That upon new addresſes, made to the King, and Councill, by George Porter, & Thomas Coppin, Esquires, Thomas Kynaston, George Townsend, Marchants, and others, joyning with them, imploring his Majesties further ayde, and protection, in the premises. It was by order of the Councill Table, dated 22. of March 1671. referred to the Lords Commissioners of the Treasury, and the two principall Secretaries of State, whose report was drawne up, by Sr. Robert Howard, dated 29. of June 1672 signifying to the King, that the States Generall having cancelled the obligations of all past Treaties, and Agreements by breach of their articles, his Majesty and his subjects, in that case of the Shippes Bona Esperanza, and Henery Bona Adventura, were as free both in Justice, and Equitie, to require satisfaction and reparations, (according to the debt already stated under the great Seale of England) as if those Treaties had never been made.

28. That in pursuance of the sayd report, the King sent his Letter dated the 7.th of July 1672. to the Duke of Buckingham, and the Earls, of Arlingron, (when they were treating with the French King, and the States Generall at Utrecht) requiring them to demand satisfaction, according to the sayd report, his Majesty further intimating, his care to protect his subjects, in their just rights, as well as to assist them in recovery therof.

29. That the Commissioners from the States Generall, then Resident
(9) at

at *Hampton Court*, gave a passport dated the 5. of July 1672. to *Mr. Carew* to traueell into Holland with his Servants, who toke with him the *Kings* letters, orders of Councell, report, and severall other papers, and writings, relating to the premises. Yet notwithstanding the States of Holland committed *Mr. Carew*, and *Mr. Iohn Sherland*, close prisoners, tooke away all their writings, and baggage, and detained them as criminalls, without access, during the warr, where they were subiect, to many affronts, & abuses, both from the States of Holland, and the tumultuous inhabitants there:

30. That *James Boeve*, was by the contrivance of old *Boudaens Sonns*, and their confederates, kept in Prison, at the Hague (upon a faigned action of *Mr. vander Helme*, and *Mr. Rymdsike*, in the Admiralty of *Zeland*) for the space of 4. years, purposely to obstruct him in the prosecution, of his owne, and *Mr. Carews* affaires, and afterwards in the month of December 1672. pretending he was a confederate of *Mr. Carews*, who (they sayd) had obstructed the good intelligence betweene England and Holland, by prosecuting the actions, and demands, against the *East-India Company*, and others, they with-drew their action upon *Mr. Boeve* and caused him to be charged, as a criminall also, and toke away his books papers and writings, relating to the sayd actions, and kept them during the warr, soe that they could not be made use of at *Cologne*, pursuant to an order of the Councell Table 10.th of May, 1673.

31. That *Don Pedro Fernandez de Iovar & Valasio*, *Marquis del Frenza*, the Spanish Embassador at London, by procuration from the States Generall concluded a peace with his Majesty, in the month of February 167 $\frac{3}{4}$. whereby is confirmed and renewed (in the 7.th Article) the Treaty of *Breda*, as also, all other former Treaties in their full force and vertue, but noe further notice taken of the *Bona Esperanza*, and *Henry Bona Adventura*. The States of Holland pretending that the King is to give Satisfaction to the claymours, out of the moneys, to be payd by the States.

32. That after the Conclusion, of the peace, *Pensionaris Fagell* proposed to *Sr. Gabriell Silvius* at the Hague. That if the King would discharge the Dutch Prisoners in the Tower, and lett them free of all costs, and expences. That then the States Generall would doe the like by *Mr. Carew*, *Mr. Boeve*, and *Mr. Sherland*, where-upon *Mr. Secretary Coventry* did write,

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write, unto *Sr. Gabriell Sylvius*, that the King was contented soe to doe, provided that his subjects should be first discharged, and have their writings, papers and baggage delivered, being committed, and detained contrary to the *Laws of Nations*, and *Common right*.

33. That after three weeks debate, *Pensionaris Fagell* proposed, that *Sr. Gabriell Sylvius*, or *Mr. Carew* should give security, that the King should performe on his parte, or that one of the three, should remaine prisoner, untill the King had performed, or that the charges and disbursements of the Dutch Prisoners, should be deducted out of the 200000. p. the King was to receive, by the Treaty, which was lookt upon, by the English Prisoners, to be very dishonorable demands.

34. That then the States of Holland, finding by computation that the cost and charges of the Dutch Prisoners, would amount unto 1500. p. or thereabouts, consented at last to discharge *Mr. Boeye*, *Mr. Carew*, and *Mr. Sberland*, computing thier cost, and incident charges of imprisonment, to amount unto the like sum which they promised to pay, accordingly.

35. That notwithstanding the King did *bona fide* pay 1540. p. sterling for the costs and incident charges of *Advocate Saff*, *Mr. Wacksendonke*, *Mr. Payne*, and *Mr. Overscheld*, who were really guilty of high crimes and misdemeanours; yet the States Generall to this day have only payd 150. p. and left unpayd 1230. p. upon the account of *Mr. Carew*, *Mr. Boeye*, and *Mr. Sberland* (that died sone after his releasment of Melancholy humours, contracted in prison, for want of good company, ayre and exercise) where the *Hollanders*, will not be punctuall, in little matters, there is small hopes of their performance in greater, who never kept a Treaty with any.

36. That *Mr. Carew*, after his releasment, knowing that *Mr. Boudaen*, had left his Sonns and Daughters vast summs of money at his death, beyond expectation of the World, besids severall of the best plantations, and possessions in Surinam, he went to Middleburgh, and sent a publique Notary on the 8.th of Iune 1674. unto *Iohn*, *Peter*, and *Henry Boudaen*, and the rest of the Sonns, and Daughters, of old *Boudaen*, to require an account of *Sr. William Courtens* Estate, resting in

in their hands, and in case of deniall, to protest, for all costs and damages, already sustained, or that should be sustained, by their further obstinacy, and delays, who still refused to come to any account. Whereupon *Mr. Carew* revived, the former action against the children, that was brought by *Mr. Boene* against the Father, upon *M. Carews* account, and gave other caution by a sufficient Marchant of the place to the liking of the Magistrates. Yet neuertheless they have admitted the sayd *Boudaens* (being directors of the East and West-India Companies) to make frivolous exceptions, against the Iudicature of England, only for delay, contrary to the very ordinance of their owne Courte, expressly contained in the 45th Article of Instructions, for their proceeding at Law in Midleburgh. Where *Mr. Carew* hath ever since, to his great costs, and damages, dayly solicited the Magistrates, Burgermasters, and Schepens for Iustice; in regard of *Mr. Boeves* age, who knows the accounts; And also complayned unto *Sr. William Temple*, the King Embassadour at the Hague, who is not regarded there, upon any judiciall Complaynts whatsoever.

IT is not unknowne to severall Members of Parliamēt, how many Families have suffered, in these cases, by the fraudes and rapines of the Hollanders, and Zelanders, wherein the cries of many Fatherles and VVidowes, calls aloud at the Parliamēt doores, for a grand Inquiry to be made (for their releife) against the indirect practises and insolencies of those people. Wherefore the Petitioners doe (openly) appeale to the Parliamēt against the States of Holland, and Zeland, for all the Capitall summs of Money, Losses, Damages, and incident Charges whatsoever; (sustained by the Petitioners, and other persons clayming the same) amounting unto the sum of two hundred and fifty thousand pound Sterling and upwards.

